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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/964,637
Filing Date: September 28, 2001
Appellant(s): TSUJI ET AL.

J. Randall Beckers
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 13, 2007 appealing from the Office action mailed February 15, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on August 15, 2007 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

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6754904 B1 COOPER ET AL. 06-2004

2004/0008972 A1 HAKEN 01-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

A. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

B. Claims 1-3, 5-6, 8-10, 12-14, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al., USPN 6,898,762 B2 (hereafter referred to as Ellis) in view of Cooper et al., USPN 6,754,904 B1 (hereafter referred to as Cooper).

C. Regarding claims 1, 6 and 8 Ellis taught an information browse method (abstract) comprising:

a first search condition information setting step of setting a condition, inputted by any one user among a plurality of users, for searching for information suited to a first user, as first search condition information on this first user (column 22, lines 35-49);

a second search condition information setting step of setting a condition for

searching information suited to this second user, as second search condition information on this second user (column 18, lines 32-39);

an information searching step of searching, from within browsing target information containing a plurality of information elements, for an information element with respect to a certain user in accordance with information derived from the first search condition information set in the first search condition information setting step and information derived from the second search condition information set in the second search condition information setting step (column 22, lines 62-67; column 23, lines 15-21); and

an information presenting step of presenting to the certain user a piece of information corresponding to a searched result with respect to the certain user in the information searching step (column 22, lines 62-67; column 23, lines 15-21). Ellis does not specifically teach second search condition information inputted by any one among the plurality of users in a way that specifies a second user. However, Cooper taught second search condition information inputted by any one among the plurality of users in a way that specifies a second user (column 5, line 63-column 6, line 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Cooper's second search condition information specifying a second user in Ellis's electronic program guide system would have improved system flexibility. The motivation would have been to better enforce parental controls.

D. Regarding claims 2 and 9, Cooper further discloses the second search condition information setting step involves setting the information inputted in such a form that any

one of the plurality of users specifies the second user to establish a mapping to setting user information indicating the user who inputted the information as the second search condition information on the other user (column 5, line 63-column 6, line 5).

Ellis further taught the information presenting step involves presenting to a user pieces of information on the respective information elements searched with respect to this user, and presenting a piece of information indicating a setting user set as one element of mapping by way of the second search condition information with respect to the respective information elements searched based on the second search condition information (column 18, lines 58-66).

E. Regarding dependent claims 3 and 10, Ellis further taught a second information searching step of searching, based on the second search condition information set by a certain user with respect to second user in the second search condition information setting step, for an information element suited to this second user from the browsing target information, and checking whether or not the thus searched information element is searched by the first search condition information set in the first search condition information setting step with respect to the second user (column 18, lines 57-66); and

a second information presenting step of presenting to the certain user a piece of information corresponding to a searched result and a checked result with respect to the certain user in the second information searching step (column 18, lines 57-66).

F. Regarding dependent claims 5 and 12, Ellis further taught generating the second search condition information by analyzing natural language information inputted in such a way that any one of the plurality of users specifies other user (column 18, lines 32-39).

G. Regarding claim 16, Ellis further taught a control unit determines a recommendation degree corresponding to a hit keyword count with respect to each of the searched information elements searched using the first search condition and the second search condition (column 13, lines 3-16).

H. Regarding claims 17-19, Ellis further taught a recommendation degree is derived using data from a care-for-others information table and/or a favorite information table, wherein a program having a larger hit keyword count in the care-for-others information table takes a larger recommendation degree value and information displayed in a program guide are sorted in a format corresponding to the recommendation degree of each item (column 16, lines 34-44).

I. Regarding dependent claim 20, Ellis further taught the control unit receives e-mail communications addressed to a logged-in user (column 12, lines 43-51); the control unit reads all keywords entered into the favorite information table related to the logged-in user, and further reads all keywords entered into the care-for-others information table related to the logged-in user (column 12, lines 52-65); the control unit searches the e-mail communications for the keywords set in the favorite information table and in the care-for-others information table, the control unit executes the process of computing the recommendation degree of each of the e-mail communications wherein the e-mail communications are displayed according to a format corresponding to the recommendation degree for each item (column 13, lines 17-26).

J. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis and Cooper as applied to claims 3 and 10 above, and further in view of Haken, US 2004/0008972 A1 (hereafter referred to as Haken).

K. Regarding claims 4 and 11, Ellis-Cooper does not specifically teach a confidential flag. However, Haken further taught the first search condition information contains one or more pieces of information consisting of a keyword and a confidential flag for indicating whether or not a permission of using this keyword is given to other user, and the second information searching step involves performing the check about the searched information element by use of only the keyword having such a relationship that the confidential flag contained in the first search condition information set in the first search condition information setting step with respect to other user indicates the permission of user (paragraphs 9, 34). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Haken's confidential flag in the Ellis-Cooper electronic program guide system would have improved organization and administration. The motivation would have been to distinguish authorized reminders.

(10) Response to Argument

Appellant argues – Ellis discusses a system for providing an interactive program guide to a user where a parent can set a parental lock on a program. Cooper discusses a system for displaying information television programming viewed by another. In contrast the present application discusses performing a first search based on search information

specified by a first user and allowing a second search by a second search information specified by another user and combining that information for display. (page 10)

Ellis disclosed an interactive program guide that searches for programs based on two search conditions, the first condition is the desired genre, actor, title, etc. and the second search condition is a parental lock. Both conditions are met when programming choices are presented. Cooper disclosed other users that can modify a parental lock feature. Appellant's invention, as claimed, conducts a search based a first and a second search condition.

Appellant argues – "Thus, what Ellis discusses is a program guide that is the same for a parent or child based on the Boolean or natural language search ("first search condition"). The search only indicating that some programs may be locked out. Thus, there is not a second search condition that shows only those program which are not blocked." (pages 10-11).

Again Appellant ignores that Ellis disclosed that the first search condition is the Boolean expression used to request desired programming in column 22, lines 35-49, the conditions are genre, title, actor, etc. (as rejected). Then, Ellis disclosed a second search condition is the parental lock feature. The second search condition unlike Appellant suggested is not set by the Boolean expression inputted the first user. Because as Appellant admits a parental lock is set by a parent and the children are impacted, Ellis disclosed "setting a second search condition by a second user, i.e. a parent".

Appellant argues - In the Office Action at page 3, the Examiner states that "Ellis does not specifically teach second search condition information inputted by any one among the plurality of users in a way that specifies a second user," however, the Examiner alleges Cooper does. Therefore, the combination of Cooper and Ellis does not teach or suggest "setting a second search condition, inputted by any one among the plurality of users in a way that specifies a second user, for searching information suited to this second user, as second search condition information on this second user," as in claim 1. (page 11)

Appellant seems to understand that parental locks allow one member of a family, i.e. the parent, to control what another member of the family, i.e. a child views. The claim portion recited requires that the second search condition be inputted by one user and impact another user. Ellis disclosed a first search condition and a second search condition, i.e. a parental lock. Coopers disclosed a written description of setting a parent lock condition, i.e. "inputted by any one among the plurality of user in a way that specifies a second user".

Appellant admits - "... presenting to the certain user a piece of information corresponding to a searched result with respect to the certain user in said information searching". That is, the presentation is of information resulting or derived from the first condition and the second condition. (page 12) Appellant argues - As can be seen, Ellis and Cooper say nothing about making a presentation of information obtained in a search based on two

search conditions where the two search conditions are for information for different users as recited in claim 1. (page 13)

As Appellant admits on page 12, the presentation is for a certain user, i.e. a single user. There are no "different users" in the presentation limitation only a first search condition and a second search condition. The combination of Ellis-Cooper taught different user setting a first search condition and a second search condition. However, the claim recites that the presentation is to a single user "derived from" the first and second search conditions. Meaning the presentation does not have to display "information for different users".

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "information for different users") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Appellant argues - Further, claim 2 calls for "presenting a piece of information indicating a setting user set as one element of mapping by way of the second search condition information with respect to the respective information elements searched based on the second search condition information", That is, the display indicates who set the particular condition. (pages 13-14)

The limitation a "presenting a piece of information indicating a setting user" is worded broader than Appellant's interpretation. "[A] piece of information", i.e. data is broad enough to mean Ellis' "locked tag" because the "piece of information" can be anything and "indicating" does not mean identifying. The "setting user" is represented by conditions set by a user, i.e. a parent and a who. The "piece of information" represents a "who" but doesn't have to identify that who.

Appellant argues - That is, the system checks to see if the information searched by the two searched conditions is the same.

According to Ellis, the first search condition is the Boolean expression that represents a user's desired programming, column 22, lines 35-49. In Ellis, the second search condition is a parental lock feature. When the search results are displayed, those results with a "locked tag" are results where the desired programming resulting from the first search condition matched the undesired programming of the second search condition.

Appellant argues - This text says nothing about the features associated with specifying the second user recited in claims 5 and 12. (page 13)

Appellant does not specifically argue what is missing. On feature of the claimed limitation is "inputting" "natural language". The passage that was recited in the rejection and Appellant admits on page 14, indicates that the parental lock feature, i.e. the second search condition, may be input as "natural language".

Appellant argues - This text says nothing about the hit key word count features recited in claim 16. (page 15)

Ellis taught using Boolean search expressions which are composed of "keywords". The results from searching using the Boolean search expressions are hits. The "hits" in Ellis' invention are program titles that match the keywords. Ellis clearly teaches providing programming list, thus, Ellis taught "hit key word counts".

Appellant argues - This text says nothing about the table features recited in claim 17. (page 15)

Appellant claim does not require that both "tables" because the claim language recites "or". Ellis taught a favorites table with "preference attributes" which are stored and are consulted to recommend programming. Also see Ellis, column 20, lines 24-31.

Appellant argues - This text says nothing about the larger recommendation based on larger hit count of claim 18 or the sorting feature of claim 19. (page 15)

When Appellant considers Ellis, Appellant should consider in the context of the entire disclosure. From the rest of Ellis' disclosure, we know Ellis taught recommending programs based on matches with attributes of a user's profile and viewing histories of other users, see column 15, lines 38-41 and column 19, lines 47-58. In the case of the recommendation feature, the keywords are determined by the user's profile and the program guide server 25 viewing history information. The recommendations that match more the profile and viewing history information have the larger hit count.

Appellant argues - This text says nothing about the receiving of email as recited in claim 20. (page 16) This text says nothing about the receiving of email or the use of a table as recited in claim 20. (page 16) This text says nothing about the searching of a table or displaying email based on recommendation degree as recited in claim 20. (page 16)

Appellant admits on page 15, that program guide server 25 receives information from chat groups. Chat groups communicate in chat rooms through simple messages which are formatted like e-mail messages. Also, Appellant that Ellis' disclosure taught electronic messaging through the cable provider in column 10, lines 36-39.

The care of information table was an alternative option. Appellant claims do not require both "tables" because the claim language recites "or". Ellis taught a favorites table with "preference attributes" which are stored and are consulted to recommend programming. Also see Ellis, column 20, lines 24-31. Therefore, Ellis uses "attributes" of a favorites table to make recommendations.

The email messages received by the program guide server 25 include content, such as the subject line or body, that information is considered like any other "attribute" to determine recommendations. According to Figure 20b, the recommendations have an email format.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Patrice Winder/

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